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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,887	04/12/2004	Masaru Morise	251313US2	2492
22850	7590	07/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LAZO, THOMAS E	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/821,887	<b>Applicant(s)</b> MORISE ET AL	
	<b>Examiner</b> Thomas E. Lazo	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tischer (5,056,311). Tischer discloses a fluid pressure control circuit with a fluid pressure device 13 which is operated by a fluid pressure 2, a control valve 21 which is connected to the fluid pressure device 13 via a connecting passage 5, and which changes a flow rate of predetermined fluid that is to be supplied to the fluid pressure device 13 or that is to be discharged from the fluid pressure device 13 according to a position of a valve element (spool), and a pressure difference reflecting device 22,18 which moves the valve element based on a difference in the fluid pressure between predetermined two different portions in the connecting passage 5 and which changes the flow rate of the fluid that is to be supplied or to be discharged through the control valve 21 according to the fluid pressure difference, an orifice 6 which is provided in the connecting passage 5 and which regulates circulation of the fluid, wherein the pressure difference reflecting device reflects the fluid pressure difference between an upstream side and a downstream side of the orifice 6 on movement of the valve element, the orifice 6 has two portions one of which is on the upstream side thereof and the other of which is on the downstream side thereof, and a pressure difference is caused between the two portions due to

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circulation resistance of the fluid that circulates through the connecting passage 5, the pressure difference reflecting device moves the valve element according to the fluid pressure difference such that as the fluid pressure difference increases, the flow rate of the fluid that is to be supplied or to be discharged through the control valve 21 increases.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Christiansen et al. (4,685,295). Christiansen et al. discloses a fluid pressure control circuit with a fluid pressure device 1 which is operated by a fluid pressure 3, a control valve 5 which is connected to the fluid pressure device 1 via a connecting passage 11, and which changes a flow rate of predetermined fluid that is to be supplied to the fluid pressure device 1 or that is to be discharged from the fluid pressure device 1 according to a position of a valve element (spool), and a pressure difference reflecting device 27,29 which moves the valve element based on a difference in the fluid pressure between predetermined two different portions in the connecting passage 11 and which changes the flow rate of the fluid that is to be supplied or to be discharged through the control valve 5 according to the fluid pressure difference, a circulation restricting device 7 which is provided in the connecting passage 11 and which regulates circulation of the fluid, wherein the pressure difference reflecting device reflects the fluid pressure difference between an upstream side and a downstream side of the circulation restriction device 7 on movement of the valve element, the circulation restriction device 7 has two portions one of which is on the upstream side thereof and the other of which is on the downstream side thereof, and a pressure difference is caused between the two portions due to circulation resistance of the fluid that circulates through the connecting passage 11, the pressure difference reflecting device

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moves the valve element according to the fluid pressure difference such that as the fluid pressure difference increases, the flow rate of the fluid that is to be supplied or to be discharged through the control valve 5 increases.

***Allowable Subject Matter***

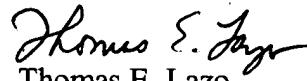
Claims 6-10 are allowed. The improvement comprises a control valve which is connected to the fluid pressure device via a connecting passage, wherein the flow rate of the fluid being changed according to movement of a valve element to which the fluid pressure in the connecting passage is applied via a feedback passage that branches off from the connecting passage.

***Contact Information***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

  
Thomas E. Lazo  
Primary Examiner  
Art Unit 3745

TEL  
June 24, 2005